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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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EXAMINER
HAMILTON, C

ART UNIT	PAPER NUMBER
3611	

DATE MAILED: 10/30/98

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

# Office Action Summary

Application No.  
08/902,449

Applicant(s)  
Cheatham et al.

Examiner  
Clovia Hamilton

Group Art Unit  
3611



☒ Responsive to communication(s) filed on amendment 8-13-98

☒ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 35 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

## Disposition of Claim

☒ Claim(s) 1-5, 7-9, and 13-17 is/are pending in the application.

Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

☐ Claim(s) \_\_\_\_\_ is/are allowed.

☒ Claim(s) 1-5, 7-9, and 13-17 is/are rejected.

☐ Claim(s) \_\_\_\_\_ is/are objected to.

☐ Claims \_\_\_\_\_ are subject to restriction or election requirement.

## Application Papers

☒ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some\* ☒ None of the CERTIFIED copies of the priority documents have been received.

☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

☒ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). \_\_\_\_\_

☐ Interview Summary, PTO-413

☒ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

— SEE OFFICE ACTION ON THE FOLLOWING PAGES —

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**TITLE**

**Improved In-Line Skate Having One Piece Chassis and Wheel Spacers**

***Drawings***

1. The corrected or substitute drawings were received on August 13, 1998. These drawings are approved.

***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-5, 7, 13-15 as amended, are rejected under 35 U.S.C. 102(b) as being anticipated by Monroy et al. '861.

Relative to Claim 1, Monroy discloses in Figures 3 and 5 a one-piece in-line skate chassis (30) made from metal extrusion by machining the extrusion. The Monroy chassis is one-piece device with a channel, bottom, and a pair of sides (36,38). Monroy also shows a plurality of flanges (portions 70,72) at the top of the channel which are adapted for attachment of footwear. Figure 5 shows a plurality of holes (100) positioned in the pair of sides to receive axles.

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With respect to Claim 2, Monroy has spacer means (82,84) which are thickened portions or projections of the vertical walls. With regard to Claims 3 and 13-15, Figure 5 shows that the bottom of the Monroy chassis includes a plurality of "coined" apertures (100) as evidenced by their formation in the vertical sides by extruding. See discussion Column 3, Lines 48-59.

With respect to Claim 5, the Monroy sides are substantially parallel to each other.

With regard to Claim 7, Monroy has at least one support brace (64,66) extending from at least one of the sides attached to the other side and adapted to provide rigidity.

### *Claim Rejections - 35 USC § 103*

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 8 and 16-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Monroy '861 in view of Myers et al. '536.

The primary reference Monroy teaches substantially all of the claimed subject matter except an embossment, as broadly recited and interpreted to be a raised surface.

The secondary reference Myers teaches an embossment on a side (see Column 6, Lines 21-18).

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It would have been obvious to one of ordinary skill in the art to have modified the ~~Lin~~ <sup>Monroy</sup> chassis to include an embossment as taught and positively suggested by Myers to increase the torsional strength of the body; to resist torsional flexing; and to generally enhance the structural strength allowing the chassis to maintain a suitable structural integrity.

6. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Monroy '861 in view of Meibock et al. '085.

The primary reference Monroy teaches substantially all of the claimed subject matter except a gusset, as broadly recited and interpreted to be an insert for strengthening, between the flange and one side.

The secondary reference Meibock teaches a chassis with a gusset to provide structural integrity between a base and frame rails (15, see Column 6, Lines 44-47).

It would have been obvious to one of ordinary skill in the art to have modified the ~~Lin~~ <sup>Monroy</sup> chassis to include a gusset as taught and positively suggested by Meibock to provide for strengthening the structural connection between the flange and side rail.

### ***Conclusion***

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

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MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

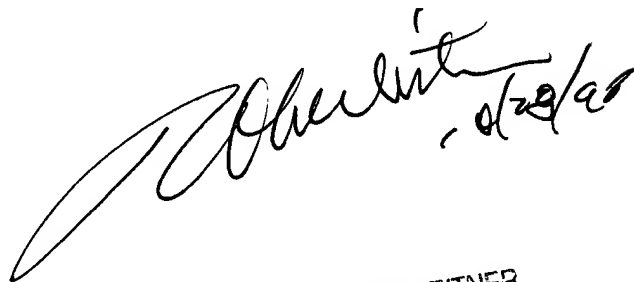
8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Peterson et al. '086, Bourdeau '477 and Hill, Jr. '633 all show in-line skate chasses having spacers which are thickened portions of the side walls.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Clovia Hamilton whose telephone number is (703) 308-2183; office hours Monday-Thursday 7:00am - 5:30pm.

CAH

October 26, 1998

Handwritten signature of Robert J. Oberleitner, dated 10/29/98.

ROBERT J. OBERLEITNER  
SUPERVISORY PATENT EXAMINER  
GROUP 3100

SUE